

James A. Bloom
Todd M. Schneider
SCHNEIDER WALLACE
COTTRELL KIM LLP
2000 Powell Street, Suite 1400
Emeryville, CA 94608
Telephone: (415) 421-7100
Fax: (415) 421-7105
E-Mail: jbloom@schneiderwallace.com
tschneider@schneiderwallace.com

Paul M. Secunda*
* admitted *Pro Hac Vice*
WALCHESKE & LUZI, LLC
235 N. Executive Dr., Suite 240
Brookfield, Wisconsin 53005
Telephone: (262) 780-1953
Fax: (262) 565-6469
E-Mail: psecunda@walcheskeluzi.com

Counsel for Plaintiff and Proposed Class

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CONAN NADO individually, and as a
representative of a Class of Participants and
Beneficiaries of the John Muir Health 403(b)
Plan,

Plaintiff,

v.

JOHN MUIR HEALTH, and BOARD OF
DIRECTORS OF JOHN MUIR HEALTH,

Defendants.

Case No: 3:24-cv-01632-AMO

**SUPPLEMENTAL DECLARATION OF
PAUL M. SECUNDA IN SUPPORT OF
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: December 11, 2025
Time: 2:00 PM
Location: Courtroom 10, 19th Floor
Hon. Araceli Martínez-Olguín
Action Filed: March 15, 2024

**SUPPLEMENTAL DECLARATION OF PAUL M. SECUNDA IN SUPPORT OF
PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

I, Paul M. Secunda, declare and state as follows:

1. I am a partner at Walcheske & Luzi, LLC ("Walcheske & Luzi"), and am one of the attorneys of record for Plaintiff in the above captioned action. I respectfully submit this supplemental declaration in support of the Motion for Final Approval of Class Action Settlement (Dkt. 57).

2. For the reasons stated in my declaration in support of final approval of the Settlement (Dkt. 57-2), and for the additional reasons set forth herein, I believe that the Settlement is fair, reasonable, and adequate.

Report of the Independent Fiduciary

3. Pursuant to Prohibited Transaction Class Exemption 2003-39 (PTE 2003-39) ("Class Exemption") and Section 2.1 of the Settlement Agreement (Dkt. 47-1), an Independent Fiduciary (Gallagher Fiduciary Advisors, LLC), has now reviewed the Settlement on behalf of the Plan. As part of this review, the Independent Fiduciary personally discussed the Settlement with me (and separately with defense counsel), and subsequently issued a report after the review. A true and correct copy of the report is attached hereto as **Exhibit 1**.

4. In the report, the Independent Fiduciary concluded, among other things, that: (1) an arm's-length Settlement was achieved after hard-fought negotiations between the parties and is reasonable, given the uncertainties of a larger recovery for the Class at trial; (2) the fee request is reasonable in light of the effort expended by Plaintiffs' counsel in the litigation; (3) the terms and conditions of the transaction are no less favorable to the Plan than comparable arm's-length terms and conditions that would have been agreed to by unrelated parties under similar

1 circumstances; and (4) the transaction is not part of an agreement, arrangement, or
2 understanding, designed to benefit a party in interest. Ex. 1 at 3-4.

3 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
4 and correct.
5

6 Dated: November 4, 2025

s/Paul M. Secunda
Paul M. Secunda

CERTIFICATE OF SERVICE

I hereby certify that on November 4, 2025, I caused a copy of the foregoing to be electronically filed with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Paul M. Secunda
Paul M. Secunda